UNITED NATIONS

TD

United Nations Conference on Trade and Development

Distr.
GENERAL

TD/TIMBER.2/18
18 September 1996

Original : ENGLISH

Meeting convened pursuant to
article 41, paragraph 3, of the
International Tropical Timber Agreement, 1994
Geneva, 13 September 1996

DECISION

The Governments of the States, and the intergovernmental organization, listed in annex I to the present decision,

Acting pursuant to article 41, paragraph 3, of the International Tropical Timber Agreement, 1994,

Having met in Geneva on 13 September 1996,

Noting that the Governments of 19 producing countries, accounting for 655 votes as set out in annex A to the Agreement, and the Governments of 17 consuming countries accounting for 727 votes, as set out in annex B to the Agreement, and one intergovernmental organization, have signed the Agreement definitively or have deposited their instruments of ratification, acceptance or approval, or have notified the depositary that they will apply the Agreement provisionally when it enters into force,

Noting also that the Governments of Cambodia and Fiji, States not listed in annexes A or B of the Agreement, have taken the necessary action to be bound by the Agreement,

Decide to put the International Tropical Timber Agreement, 1994, into force provisionally among themselves in whole as of 1 January 1997;

Decide also that any State listed in annex II to the present decision may notify the Secretary-General of the United Nations that it accepts the present decision, and that any State that so notifies the Secretary-General shall be deemed to be listed in annex I to the present decision.

ANNEX I

Australia
Belgium/Luxembourg
Cameroon
Canada
China
Congo
Côte d'Ivoire
Denmark
Ecuador
Egypt
European Community
Finland
Gabon
Germany
Ghana
Honduras
Indonesia
Japan
Malaysia
Myanmar
Netherlands
New Zealand
Panama
Papua New Guinea
Philippines
Republic of Korea
Spain
Sweden
Switzerland
Thailand
United Kingdom of Great Britain and Northern Ireland

ANNEX II

Bolivia
Liberia
Norway
Peru
Togo

UNITED NATIONS

TD

United Nations Conference on Trade and Development

Distr.
GENERAL

TD/TIMBER.2/19
14 October 1996

Original : ENGLISH

Meeting convened pursuant to
article 41, paragraph 3 of the
International Tropical Timber Agreement, 1994
Geneva, 13 September 1996

Report of the Chairman of the Meeting

1. The Secretary-General of UNCTAD, acting on behalf of the Secretary-General of the United Nations, invited - in accordance with paragraph 3 of article 41 of the International Tropical Timber Agreement 1994, and further to Decision 2 (xx) of the International Tropical Timber Council - those Governments that had signed the Agreement definitively, or had ratified, accepted or approved it, or had notified the depositary that they would apply it provisionally to meet and decide whether to put the Agreement into force provisionally or definitively among themselves in whole or in part.

2. The Meeting was held in the Palais des Nations, Geneva, on 13 September 1996.

3. The following parties to the Agreement were represented at the Meeting: Australia, Belgium, Cambodia, Cameroon, Canada, China, Congo, Côte d'Ivoire, Denmark, Ecuador, Egypt, European Economic Community, Finland, Gabon, Germany, Ghana, Honduras, Indonesia, Japan, Luxembourg, Malaysia, Myanmar, Netherlands, New Zealand, Panama, Papua New Guinea, Philippines, Republic of Korea, Spain, Sweden, Switzerland, Thailand and United Kingdom of Great Britain and Northern Ireland. The following States signatories of the Agreement were represented: Austria, Colombia, France, Greece, Ireland, Italy, Portugal, United States of America and Venezuela. The following States, which had attended the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, 1983 were also represented: Brazil, India, Mexico, Russian Federation and Zaire. The following intergovernmental organizations were also represented: the Food and Agriculturel Organization (FAO) and the African Timber Organization (ATO).

4. The Chairman of the Meeting was Mr. C. Fortin, Deputy to the Secretary-General of UNCTAD.

5. The **Chairman** welcomed the participants on behalf of the Secretary-General of UNCTAD, who was away from Geneva on urgent business. He noted that the International Tropical Timber Agreement, 1994 had not entered into force definitively or provisionally. For the Agreement to have entered into force definitively under paragraph 1 of article 41, it was necessary that 12 Governments of producing countries holding at least 55 per cent of the total votes, as set out in annex A to the Agreement, and 16 Governments of consuming countries holding at least 70 per cent of the total votes, as set out in annex B of the Agreement, had signed the Agreement definitively or had deposited instruments of ratification, acceptance, approval or accession. For the Agreement to have entered into force provisionally under paragraph 2 of article 41, it was necessary that, by 1 September 1995, 10 Governments of producing countries holding at least 50 per cent of the total votes, as set out in annex A to the Agreement, and 14 Governments of consuming countries holding at least 65 per cent of the total votes, as set out in annex B to the Agreement, had signed the Agreement definitively, deposited instruments of ratification, acceptance or approval, or given notification of provisional application.

6. He then summarized the action taken so far by the signatories of the Agreement as follows. Nineteen producing countries, holding 655 votes as set out in annex A of the Agreement, and 17 consuming countries holding 727 votes as set out in annex B of the Agreement had signed the Agreement definitively or deposited an instrument of ratification, acceptance or approval, or had given notification of provisional application. He noted that nine countries, although they had signed the Agreement, had not so far deposited an instrument of ratification, acceptance or approval, or a notification of provisional application. These were Austria, Colombia, France, Greece, Ireland, Italy, Portugal, United States of America and Venezuela (see the annex to this report).

7. In conclusion, the Chairman said that, in the light of the developments described by him, the Secretary-General of UNCTAD, acting on behalf of the Secretary-General of the United Nations, had convened the Meeting in order that the Governments concerned could decide to put the Agreement into force provisionally or definitively among themselves in whole or in part.

8. The representative of **Japan** expressed his satisfaction at the coming into force of the Agreement. Forest issues had been among the most serious global environmental issues over the past two decades. The International Tropical Timber Organization (ITTO), since its establishment in Yokohama (Japan) in 1986, had been an important forum in which to discuss and adopt measures with regard to tropical

forests. The ITTO had achieved many results and had made important contributions in a short period of time. Noting the nearly 300 projects, pre-projects and special activities that had been carried out during the past decade, he said that the success of the ITTO should be attributed to the spirit of goodwill and cooperation of the 53 producing and consuming countries members of the Organization. His Government would continue to play its role and assume its responsibility in helping to overcome the problems faced by forests and forestry. His country, which was the host to ITTO, had played a most active role and had been the principal contributor to the Organization since its founding. His Government, which recognized ITTO as the most important international organization in the field of tropical timber, pledged its continued support to the activities of ITTO under the International Tropical Timber Agreement, 1994. The ITTO would enter a new stage, due to several important features of the new Agreement, e.g. the Year 2000 objective and the Bali Partnership Fund, that emphasized the importance of sustainable forest management. The achievement of sustainable management of tropical forests would be a precious gift to future generations. His Government looked forward to meeting this challenge in cooperation with the other Members of the Organization. He was convinced that ITTO would continue to play an important role in global forest issues. He hoped that as many countries as possible would complete their constitutional procedures and adhere to the Agreement before 1 January 1997.

9. The representative of **Zaire** said that his Government supported the Agreement. His Government had made the necessary arrangements for its representative to sign the Agreement and to make a notification of provisional application. He expected that this would be done very soon.

10. The representative of **India** said that his Government had decided in principle to sign and ratify the Agreement. He hoped that this would be done before 1 January 1997.

11. The representative of **Portugal**, noting that her Government had signed the Agreement, said that its ratification was under consideration in her country's Parliament. She expected that the procedure would be completed soon.

12. The representative of **Brazil** stated that his Government was taking the necessary steps to sign the Agreement.

13. The representative of **Canada** said that his Government continued to associate itself with the formal statement of the consumer countries circulated at the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, 1983.

14. The representative of the **Food and Agricultural Organization** said that his Organization, which recognized the ITTO as an essential partner in the field of tropical forests, would continue to support the Organization's work. He wished the Organization every success in the implementation of the Agreement.

15. The **Senior Legal Adviser of UNCTAD**, introducing the draft decision, proposed that the Meeting should decide to put the Agreement into force provisionally and in whole effective 1 January 1997. On that date the Agreement would be in force on a provisional basis. In the past, when an international commodity agreement was brought into force by a decision of the States concerned, it had been the practice to put the Agreement into force provisionally. This took into account the fact that the conditions for the definitive entry into force of the Agreement had not been met. The Agreement would enter into force definitively at a later date when the conditions set out in paragraph 1 of article 41 had been met, without the need for convening another meeting to take a decision to that effect. The distinction between the definitive and the provisional entry into force of the Agreement had no legal implications for the application of the Agreement or the operation of the Organization. Those States that were not mentioned in an annex to the decision, unless they took action to become a party, would not be bound by the Agreement. The Agreement would be put into force in whole, i.e. the entire text. As from 1 January 1997, the International Tropical Timber Agreement, 1994 would be the basis for the operation of the International Tropical Timber Organization.

16. The **Chairman** invited each representative of the Governments and the international organization concerned to indicate their concurrence with the decision to put the International Tropical Timber Agreement, 1994 into force provisionally, among themselves, in whole and as from 1 January 1997. The Meeting adopted the decision (annexed to this report).

17. The **Executive Director of the International Tropical Timber Organization** expressed his satisfaction at the coming into force of the International Tropical Timber Agreement, 1994. He had never had any doubts about this outcome. He had been concerned that the delay in the entry into force of the Agreement might be construed in certain quarters as eroding the commitment of members to the letter and the spirit of the Agreement. After the new Agreement entered into force there would be a period when the good faith and commitment of Members would be tested. He welcomed Cambodia as a new Member of the Organization. He thanked the President of the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, 1983 for the role he played during the period of the negotiations. He expressed his gratitude to the Secretary-General of UNCTAD for responding to the Council's request to convene this Meeting. There was considerable scope for joint programmes between ITTO and UNCTAD. He thanked the delegations of

the Governments that were present at the Meeting. Their decision paved the way for the continued work of the Organization.

18. The **Chairman of the International Tropical Timber Council** noted certain important new features of the Agreement, e.g. an expansion of the scope of information sharing to include non-tropical timber trade; non-discrimination in trade; a commitment by consumer countries to follow the year 2000 objective, a new focus on policy work; and the new Bali Partnership Fund to assist sustainable management initiatives. These were significant additions which would assist Governments in attaining the objectives of the Agreement. He invited all the Governments that had not already done so to take the necessary steps to adhere to the Agreement and the Organization.

19. Closing the proceedings, the **Chairman** assured the ITTO that it had UNCTAD's full support. He said that he would inform the depositary of the Agreement of the decision adopted by the Meeting.

DECISION

The Governments of the States, and the intergovernmental organization, listed in annex I to the present decision,

Acting pursuant to article 41, paragraph 3, of the International Tropical Timber Agreement, 1994,

Having met in Geneva on 13 September 1996,

Noting that the Governments of 19 producing countries, accounting for 655 votes as set out in annex A to the Agreement, and the Governments of 17 consuming countries accounting for 727 votes, as set out in annex B to the Agreement, and one intergovernmental organization, have signed the Agreement definitively or have deposited their instruments of ratification, acceptance or approval, or have notified the depositary that they will apply the Agreement provisionally when it enters into force,

Noting also that the Governments of Cambodia and Fiji, States not listed in annexes A or B of the Agreement, have taken the necessary action to be bound by the Agreement,

Decide to put the International Tropical Timber Agreement, 1994, into force provisionally among themselves in whole as of 1 January 1997;

Decide also that any State listed in annex II to the present decision may notify the Secretary-General of the United Nations that it accepts the present decision, and that any State that so notifies the Secretary-General shall be deemed to be listed in annex I to the present decision.

Annex I

Australia
Belgium/Luxembourg
Cameroon
Canada
China
Congo
Côte d'Ivoire
Denmark
Ecuador
Egypt
European Community
Finland
Gabon
Germany
Ghana
Honduras
Indonesia
Japan
Malaysia
Myanmar
Netherlands
New Zealand
Panama
Papua New Guinea
Philippines
Republic of Korea
Spain
Sweden
Switzerland
Thailand
United Kingdom of Great Britain and Northern Ireland

Annex II

Bolivia
Liberia
Norway
Peru
Togo

INTERNATIONAL TROPICAL TIMBER AGREEMENT, 1994

Signatures, ratifications, acceptances, approvals,
Notifications of provisional application on 12 September 1996

Participant	*Signature*	*Provisional application*	*ratification, accession (a), acceptance (A), approval (AA), definitive signature (s)*
Australia			2 Feb 1996 s
Austria	13 May 1996		
Bolivia	17 Aug 1995		17 Aug 1995
Belgium/Luxembourg	13 May 1996	13 May 1996	
Cambodia	3 Feb 1995		3 Feb 1995 A
Cameroon	22 Dec 1994	31 Aug 1995	
Canada	3 May 1995		23 May 1996
China	22 Feb 1996		31 Jul 1996 AA
Colombia	8 Nov 1995		
Congo	22 Jun 1995	25 Oct 1995	
Côte d'Ivoire	9 Sep 1996	9 Sep 1996	
Denmark	13 May 1996		13 May 1996
Ecuador	1 Jun 1994		6 Sep 1995
Egypt	8 Nov 1994	15 May 1996	
European Community	13 May 1996	13 May 1996	
Fiji	27 Jan 1995	27 Jan 1995	
Finland	13 May 1996	13 May 1996	
France	13 May 1996		
Gabon	27 May 1995	2 Aug 1995	
Germany	30 Aug 1995	30 Aug 1995	
Ghana	12 Jul 1995		28 Aug 1995
Greece	13 May 1996		
Honduras	9 May 1995	2 Nov 1995	
Indonesia	21 Apr 1994		17 Feb 1995
Ireland	14 May 1996		
Italy	7 May 1996		
Japan	13 Dec 1994	13 Dec 1994	9 May 1995 A
Liberia			9 Dec 1994 s
Malaysia	14 Feb 1995		1 Mar 1995
Myanmar	6 Jul 1995		31 Jan 1996
Netherlands	6 Jul 1995	6 Jul 1995	
New Zealand			6 Jun 1995 s

Participant	*Signature*	*Provisional application*	*ratification, accession (a), acceptance (A), approval (AA), definitive signature (s)*
Norway	25 Jan 1995		1 Feb 1995
Panama	22 Jun 1994	4 May 1995	4 Apr 1996
Papua New Guinea	28 Aug 1995	13 May 1996	
Peru	29 Aug 1994		21 Sep 1995
Philippines	29 Sep 1995	26 Feb 1996	
Portugal	13 May 1996		
Republic of Korea	12 Sep 1995		12 Sep 1995
Spain	12 Jan 1996	12 Jan 1996	
Sweden	13 May 1996		13 May 1996
Switzerland	29 Aug 1995		10 Jun 1996
Thailand	10 Apr 1996		25 Jul 1996
Togo	12 Jul 1994		4 Oct 1995 A
United Kingdom of Great Britain and Northern Ireland	13 May 1996	13 May 1996	
United States of America	1 Jul 1994		
Venezuela	4 Oct 1995		